

REMARKS

In the final Office Action, the Examiner rejected claims 1 – 39 as obvious over Movalli in view of Walker and Teper.

35 USC §103(a)

The **Movalli** et al. reference discloses a two step method that includes receiving transaction data and unique identifiers, and generating unique codes from this data. The reference teaches shows applying these unique codes to the transaction code transmittals in credit card transactions. Movalli applies this method to point of sale transactions where a customer is purchasing items at a grocery store, department store, gasoline station, ticket agent, etc. Alternatives suggested by Movalli are enrollment locations, admissions offices, bank branch offices, human resource departments and department of motor vehicle offices. At paragraph [0039], Movalli suggests that the workstation be located at a remote location with electrical connections to an identification input device.

The Examiner is in error in finding the elements of claims 2, 3, 4, 20, 21 and 19 in Movalli. Figures 1, 2 and 3 as cited by the Examiner do not show a telephone dialing sequence, a Uniform Resource Locator or a wireless telephone. Figure 1 shows a computer workstation with an identification input device and a smart card input/output device. The items noted by the Examiner are absent from this figure. Figures 2 and 3 show code processors and formatters. The claimed features are absent. As such, the rejection of claims 2, 3, 4, 20, 21 and 19 is in error and should be withdrawn.

Movalli makes no suggestion of ordering via mobile telephone. Movalli does not disclose that a vendor send vendor information to the customer's portable electronic device. Movalli does not address mobile ordering of items from a vendor. As such, Movalli does not teach or suggest the invention.

The **Walker** et al. reference shows that a shopper can purchase and pay for catalog goods while at a store. Walker seeks to avoid having the shopper mail payments or use a credit card directly for catalog purchases. Payments are submitted to a local seller through a

local point of sale system. The catalog can be a paper catalog or on-line catalog (see paragraph [0070]).

Walker does not show or suggest ordering via a mobile electronic device. Walker does not disclose that a vendor send vendor information to a customer's portable electronic device. Walker does not address mobile ordering of items from a vendor. Walker does not teach or suggest the invention, whether taken alone or in combination with Movalli.

The **Teper et al.** reference shows that service providers can offer items for sale and have a separate broker handle user authentication and billing. Teper seeks to avoid sending payment information over the Internet and provides a single account statement for services purchased from the service providers.

These references do not show or suggest features that are claimed in the claims. For example, Claim 25 calls for using location information in a mobile electronic device. This feature is not in the cited art. Claim 27 relates to geographic regions around the vendor. This is not disclosed in the references. Claims 28 and 29 use triangulation and GPS for location information. The references do not show these features. Claim 37 determines the direction and speed of the user. Nothing in the cited art shows this feature. Claim 38 determines the anticipated time and place of arrival of the customer. The art does not show this feature. Claim 39 determines the range of travel of the user. Again, the cited art makes no mention of this feature. None of these features is addressed by the examiner in the final action. As such, the Examiner has not even made a *prima facia* case of obviousness with respect to these claims.

The claims 1 – 24 are likewise directed to a non-obvious improvement over the cited prior art. For instance, in claim 1 as amended a vendor identity code is transmitted electronically from the vendor to the customer and the customer transmits an order to the vendor based on the vendor code. The cited art fails to show or suggest this feature. In claim 18, a transaction code is transmitted from the vendor to the customer and is stored in the user device prior to being transmitted by the user device to initiate the transaction with the vendor. No such feature is shown in the cited art. The features of claims 2, 3, 4, 20, 21 and 19 are not shown or suggested even if the three references are considered in combination.

Therefore, all of the claims of the present application have been shown to be non-obvious over the combined teachings of the prior art and thus are in form for immediate allowance.

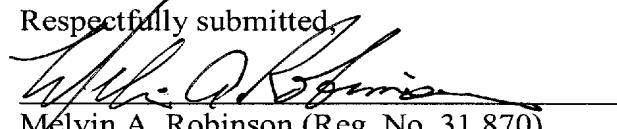
Conclusion

Applicants respectfully request favorable reconsideration and allowance of the present application in view of the forgoing.

Deposit Account Information

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,



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